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REMARKS

An Information Disclosure Statement (IDS) has been submitted prior to the present response, but after the mailing of the Office Action. Acknowledgement of the IDS is hereby requested.

In response to the non-final Office Action mailed July 27, 2004 (Paper No./Mail Date 20040721), the Assignee submits the following amendments and remarks. Claims 1-21 are currently pending in the present application. The Office Action allowed claims 11-20, and objected to claim 9. The Office Action rejected claims 1-8, 10, and 21 as obvious in view of the following cited art: U.S. Patent No. 6,061,691 to *Fox* (hereinafter "*Fox*") and U.S. Patent No. 6,078,901 to *Ching*. (hereinafter "*Ching*"). The present response is believed to traverse the Office Action rejection and objection. The pending claims include elements that are neither taught or suggested by the cited art, and the cited art is distinguished for at least the following reasons:

- The claimed invention includes a method for managing inventory of similar items in a supply chain, wherein the method includes determining an exchange curve for the items. By contrast, *Fox* relates to a method for providing improved pricing estimates based on the available inventory. Furthermore, *Ching* relates to a process for determining a real estate and/or business price based on cash amounts, cash flow, income, and valuation of real estate and/or a business.
- The claimed invention includes a method for managing inventory of different types of items in a supply chain, wherein the method includes determining a first exchange curve for the items of a first type, and a second exchange curve for the items of a second type. By contrast, *Fox* relates to a method for providing improved pricing

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estimates based on the available inventory. Furthermore, *Ching* relates to a process for determining a real estate and/or business price based on cash amounts, cash flow, income, and valuation of real estate and/or a business.

- The claimed invention includes a method for managing a supply chain for multiple types of items, wherein the method includes processing performance data to obtain determination selected from a group consisting of an exchange curve, a lot size estimate, and a promise date. By contrast, *Fox* relates to a method for providing improved pricing estimates based on the available inventory. Furthermore, *Ching* relates to a process for determining a real estate and/or business price based on cash amounts, cash flow, income, and valuation of real estate and/or a business.

These and other arguments are presented in the remarks below.

L THE REJECTION OF CLAIMS 1-8, 10, AND 21 (OFFICE ACTION, ¶ 2)

The Office Action rejected claims 1-8, 10, and 21 under 35 U.S.C. § 103(a) as unpatentable over *Fox* in view of *Ching*. Office Action, pp. 2-3, ¶ 2. A *prima facie* rejection of obviousness under 35 U.S.C. § 103(a) requires that all claim limitations be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (C.C.P.A. 1974). The Office Action combination of *Fox* and *Ching* fails to teach or suggest all of the claim limitations for at least the reasons set forth below.

Independent claims 1, 10, and 21 each relate to methods for managing either an inventory or a supply chain. Specifically, claim 1 relates to a method for managing inventory of similar items in a supply chain, wherein the method includes determining an exchange curve for the items. Claim 10 relates to a method for managing inventory of

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different types of items in a supply chain, wherein the method includes determining a first exchange curve for the items of a first type, and a second exchange curve for the items of a second type. Furthermore, claim 21 relates to a method for managing a supply chain for multiple types of items, wherein the method includes processing performance data to obtain determination selected from a group consisting of an exchange curve, a lot size estimate, and a promise date. By contrast, *Fox* relates to a method for providing improved pricing estimates based on the available inventory. Specifically, *Fox* relates to "handling intermittent placement of orders and reservations for media commercial time ... while optimizing the sale value of the remaining media commercial inventory available for sale." Col 1, lines 10-16. *Fox* does not relate to supply chain management, or to determining an exchange curve for an inventory or for a supply chain.

Furthermore, *Ching* relates to a process for determining a real estate and/or business price based on cash amounts, cash flow, income, and valuation of real estate and/or a business. Specifically, *Ching* relates to a method for determining a price for business and/or real estate investment while taking "everything into consideration." Col. 23, lines 19-30. *Ching* does not relate to supply chain management, or to determining an exchange curve for an inventory or for a supply chain. Therefore, whereas both *Fox* and *Ching* focus on determining an efficient price, neither relates to supply chain management, or to determining an exchange curve for managing inventory in a supply chain.

The remaining dependent claims 2-8 are ultimately dependent from independent claim 1 for which arguments of patentability have been set forth above. The Office Action rejection of these claims is believed to be traversed.

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II. THE OBJECTION TO CLAIM 9 (OFFICE ACTION, ¶ 4)

The remaining dependent claims 9 is ultimately dependent from independent claim 1 for which arguments of patentability have been set forth above. The Office Action objection to this claim is believed to be traversed.

III. ALLOWANCE OF CLAIMS 11-20

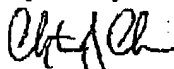
Claims 11-20 were previously allowed by the Office Action.

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CONCLUSION

Claims 1-21 are pending in the application. Claims 11-20 have been allowed, claim 9 has been objected to, and claims 1-8, 10, and 21 have been rejected by the prior Office Action. The Office Action rejection and objection are believed to be traversed by the accompanying remarks. Acknowledgement of the prior filed IDS is hereby requested. All of the pending claims should now be in condition for allowance. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 815-6048 if such contact will facilitate a Notice of Allowance. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



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DATE: 7 October 2004

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